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Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*

Note by the Secretary-General

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Introduction

1. In its resolution 53/77 W of 4 December 1998, entitled "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*", the General Assembly requested all States to inform the Secretary-General of the efforts and measures they had taken on the implementation of the resolution and nuclear disarmament, and requested the Secretary-General to apprise the Assembly of that information at its fifty-fourth session.

2. Pursuant to that request, information has been received thus far from Cuba, Mexico and Saudi Arabia. Canada submitted a "nil" reply. Any additional information received from Member States will be issued as addenda to the present report.

Information received from Governments

Cuba

[Original: Spanish]

[27 May 1999]

In various international forums, Cuba has expressed its unequivocal position in favour of the complete elimination of nuclear weapons and has taken action, both in the Conference on Disarmament, the sole multinational forum for negotiation on disarmament, and in the General Assembly of the United Nations, with a view to attaining that objective.

However, it is important to draw attention to the proposal of 28 delegations to the Conference on Disarmament that are members of the Group of 21, including the delegation of Cuba, for a programme of action for the elimination of nuclear weapons. Furthermore, in the same forum, 26 delegations that were also members of the Group of 21, and which also included the delegation of Cuba, proposed a broad mandate for an ad hoc committee on nuclear disarmament.

The clear intention of both proposals was that a start should be made on negotiations in the Conference on Disarmament concerning nuclear disarmament, an objective to which the international community has assigned the highest priority.

However, those initiatives were not accepted by one group of countries which did not demonstrate the necessary political will to make progress towards the attainment of nuclear disarmament and which, on the contrary, as recent events have shown, reaffirm their attachment to military doctrines entailing the possible use of nuclear weapons as part of the defence strategy of the military alliance to which they belong.

Each year, at the sessions of the General Assembly, Cuba participates actively in the debates concerning the resolutions submitted on the subject of nuclear weapons, and supports the vast majority of those texts.

Just two examples of resolutions adopted by the General Assembly of the United Nations may be cited. Cuba was a co-sponsor of resolution 53/77 X entitled "Nuclear disarmament", which among other things, reiterated its call upon the nuclear-weapon States to undertake the step-by-step reduction of the nuclear threat and to carry out effective nuclear disarmament measures with a view to the total elimination of those weapons within a specified framework of time.

The same resolution also called upon all States to conclude an internationally and legally binding instrument to give assurances to non-nuclear-weapon States of the non-use and threat of use of nuclear weapons. In our opinion, these security assurances must be universal and unconditional.

Similarly, and as a further example, Cuba joined the countries that voted in favour of resolution 53/77 Y entitled "Towards a nuclear-free world: the need for a new agenda", as it considers that that text may contribute, as part of a wider set of other initiatives and actions, to the promotion of the priority disarmament objective, namely nuclear disarmament.

Lastly, we consider it important to emphasize that the Movement of Non-Aligned Countries, to which Cuba has the honour to belong, has traditionally, both at its conferences of heads of State or Government and at its ministerial meetings, appealed consistently to all States to engage, once and for all, in negotiations to enable the objective of the total elimination of nuclear weapons to be attained.

Mexico

[Original: Spanish]

[25 June 1999]

As it has previously informed the Secretary-General of the United Nations, the Government of Mexico, being convinced that the only comprehensive defence against the possible use of weapons is their total elimination — as stated in the report of the Canberra Commission — is continuing its efforts to follow up the undertaking made by the Member States as contained in the Final Document of the Tenth Special Session of the General Assembly devoted to disarmament in 1978.

Mexico remains convinced that it is incumbent on all States to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control as provided in resolution 53/77 W entitled "Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons" adopted on 4 December 1998 by the General Assembly of the United Nations at its fifty-third session.

Similarly, in various disarmament forums, Mexico has reiterated the need to establish international machinery to achieve the total elimination of nuclear weapons.

With the same objective, Mexico supports the appeal of the General Assembly to all States to commence multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination.

As a further measure designed to support the process of nuclear disarmament, Mexico has undertaken various actions with a view to giving effect to resolution 52/38 O entitled "Advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons" adopted by the General Assembly at its fifty-second session, which was co-sponsored by Mexico during the fifty-third session as resolution 53/77 W.

Similarly, on 9 June 1998, Mexico, together with Brazil, Egypt, Ireland, New Zealand, Slovenia, South Africa and Sweden, made the joint declaration on nuclear disarmament entitled "Towards a nuclear-weapon-free world: the need for a new agenda" which sets out an action plan for nuclear disarmament (A/53/138, annex). Resolution 53/77 Y entitled "Towards a nuclear-weapon-free world: the need for a new agenda" was submitted with

the same end in mind and was adopted by the General Assembly on 4 December 1998, having been co-sponsored by 22 further countries from different regions of the world.

In the context of the Conference on Disarmament, Mexico supported the initiatives to define the mandate of the working group on nuclear disarmament, as well as the negotiation of an international legal instrument on negative security assurances. Furthermore, Mexico notes with regret the persistent opposition to initiatives for the establishment of an ad hoc committee on nuclear disarmament charged with developing a convention on the banning of nuclear weapons in accordance with the proposal contained in document CD/1501.

Mexico notes with concern the recent holding of nuclear tests, the launching of missiles, the proliferation of States with a nuclear capacity, the conduct of subcritical and/or simulation tests, the announcements on the restructuring of defence programmes and the fact that only two nuclear-weapon States have ratified the Comprehensive Nuclear-Test-Ban Treaty. Similarly, the Government of Mexico considers that those events have delayed, and might also jeopardize, what has been achieved in pursuit of the objective of eliminating any possibility of the threat or use of nuclear weapons.

Saudi Arabia

[Original: Arabic]

[7 May 1999]

I have the honour to inform you that the Kingdom of Saudi Arabia does not own, develop, produce, test, deploy, stockpile, transfer, threaten to use, or use weapons of mass destruction in general, or nuclear weapons in particular. It reiterates its firm rejection of weapons of mass destruction of all kinds and affirms that the continued existence of nuclear weapons poses a threat to all mankind, that their use would have consequences for the Planet Earth, and that safety from such a disaster lies in the complete elimination of weapons of mass destruction in general, and of nuclear weapons in particular. It categorically states yet again that it does not produce them. Furthermore, it affirms its commitment to efforts to achieve the complete elimination of nuclear weapons and to establish a world free of nuclear weapons for the attainment of peace, security and justice throughout the world.